

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THOMAS E. GREENWOOD)	JURY TRIAL DEMANDED
)	
Plaintiff,)	
)	
v.)	Case No.
)	
THE OUTSOURCE GROUP)	
D/B/A MEDICREDIT, INC.)	
)	
Serve At:)	
CSC Lawyers Incorporating Service Co.)	
221 Bolivar Street)	
Jefferson City, Missouri 65101)	
)	
Defendant.)	

COMPLAINT

COMES NOW, Plaintiff, Thomas E. Greenwood, and for his Complaint states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.
2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has original jurisdiction over Plaintiff’s FDCPA claims under 15 U.S.C. § 1692k(d) because the illicit collection activity was directed at Plaintiff from Defendant’s offices in St. Louis, Missouri, within the Eastern District of Missouri. Further, this Court has original jurisdiction over Plaintiff’s FDCPA claim under 28 U.S.C. § 1331 because that claim arises under federal law.

4. Venue is appropriate in this Court under 28 U.S.C. § 1391(b)(1) because Defendant resides in the Eastern District of Missouri pursuant to Local Rule 3 - 2.07(b)(2). Furthermore, the collection letter that is the subject of this litigation was created in and sent from Defendant's office in Maryland Heights, Missouri, a suburb of St. Louis, Missouri within this District.

PARTIES

5. Plaintiff is a natural person currently residing in Winnebago County, Iowa. Plaintiff is a "consumer" within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

6. Defendant is a Missouri corporation with its principal place of business in St. Louis, Missouri. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA. 15 U.S.C. § 1692a(6).

FACTS

8. Defendant's collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

9. Defendant's collection activities included sending Plaintiff an initial collection letter dated November 7, 2012 that Plaintiff received several days thereafter.

10. The first sentence of the letter stated, "The account(s) listed below have been referred to us for immediate collection in full."

11. In the next paragraph, the letter stated that Plaintiff had thirty days to dispute the validity of the debt.

12. Defendant's demand for "immediate" payment in full misled and confused Plaintiff into believing that he could not exercise his Section 1692g rights and that he had to pay the alleged debt within his dispute period.

13. In the alternative, Defendant's demand for immediate payment caused Plaintiff to believe that his attempt to exercise his Section 1692g rights would not be honored and that he had to pay the alleged debt within his dispute period.

14. Plaintiff never entered into any agreement whereby he consented to arbitrate disputes between himself and Defendant.

15. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to anxiety and worry.

COUNT I: VIOLATION OF THE FDCPA

16. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

17. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. § 1692 et seq., including, but not limited to, the following:

a. Overshadowing Plaintiff's dispute, validation, and verification rights, 15 U.S.C. § 1692g; and

b. Engaging in deceptive, harassing, and unfair conduct in the collection of a debt, 15 U.S.C. § 1692d-f.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

A. Judgment that Defendant's conduct violated the FDCPA;

- B. Actual damages;
- C. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

VOYTAS & COMPANY

/s/ Richard A. Voytas, Jr.

RICHARD A. VOYTAS, #52046

NATHAN K. BADER, #64707

Voytas & Company

1 North Taylor Ave.

St. Louis, Missouri 63108

Phone: (314) 932-1068

Fax: (314) 667-3161

LOCAL COUNSEL FOR PLAINTIFF

CONSUMER JUSTICE CENTER, P.A.

Thomas J. Lyons, Jr., Esq.

Attorney I.D. #0249646

367 Commerce Court

Vadnais Heights, MN 55127

Telephone: (651) 770-9707

Facsimile: (651) 704-0907

tommycj@comcast.net

TO BE ADMITTED PRO HAC VICE

ATTORNEYS FOR PLAINTIFF